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devoted to a narrow field,—complaints, demurrers, and answers; that nearly every page shows some authority; that extensive notes appear at intervals. For the ground covered, these books gather, assort, and index a mass of authority both complete and accessible. The work is typical of the specializing tendency of the age, and perhaps it has the fault, natural where much space is devoted to a small subject, of being at times diffuse. It has also, however, the merit of treating its subject fully and exhaustively. Books like these are not interesting nor even profitable reading. Filled as they are with dried frames to which the lawyer must add flesh and life, they permit little display of the essentially human faculty of connected reasoning. They are the tools of the lawyer's handicraft, and their existence must be justified by their practical utility. Of its kind, this work seems well done, and likely to prove a credit to its author.

G. B. H.

HANDBOOK ON THE LAW OF NEGLIGENCE. By Morton Barrows. St. Paul, Minn.: West Publishing Co. 1900. pp. xii, 634.

As a result of the great increase of litigation over questions of negligence in the last decade,—says the author in his preface,—two tendencies may be noted,—toward the taking of increased precautions by property owners and employers of labor on the one hand, and the more exact enunciation of the involved law by the courts on the other. And to give a concise statement of the settled law on the subject, and the grounds of the conflicting decisions where the law is in dispute, are stated to be the aims of this book, the latest addition to the Hornbook Series. An introductory chapter treats of the fundamental principles of the law of negligence, and contains an admirable brief discussion of the doctrine of proximate cause. In the chapter treating of dangerous instrumentalities, it is stated that one who keeps a dangerous explosive is under a duty of care commensurate with the danger, and hence negligence may be predicated upon the quantity without regard to the manner in which it is protected. To say that an absolute liability is imposed, where the location is such as to cause reasonable fear to those living in the vicinity, would seem to be a better doctrine. See 13 HARVARD LAW REVIEW, 310. It is to be regretted that to the present jumble of theories as to degrees of care, the author adds still another view. Taking the classification of Wharton as a basis,—“slight” care required of the average man, and “ordinary” care required of an expert,—he adds a third class,—“great” care required of a common carrier of passengers. In justification we are told that the decisions of the courts have raised the degree of care and skill demanded of such carriers to a standard higher than that of an expert. Granting the truth of this assertion, and the theoretical accuracy of such a classification, it would seem nevertheless to work for simplicity to say that, although the amount of care requisite may vary with each particular instance, there are no degrees of care, due care under all the circumstances answering every case. Nor does the author himself maintain his position with consistency; for in the later pages of the book the term “ordinary” care is frequently used in the colloquial sense, and there are such statements as the following: “The degree of diligence requisite to constitute ordinary care”—in dealing with firearms—“is proportionate to the danger to be apprehended.” This is but another way of stating the more simple rule. Although open to occasional criticisms, however, the book as a whole is an excellent

one. It contains a clear and accurate statement of the existing law, and a full marshalling of authorities. The method of printing the propositions of law in more prominent type than the discussions that follow gives them an added emphasis that is of much help to the student. In every way, this work is fully up to the standard of usefulness set by the previous volumes of the Hornbook Series.

E. S. T.

CIVIL PROCEDURE AT COMMON LAW. By Alexander Martin. Boston. The Boston Book Company. 1899. pp. xxxii, 416.

In the early days of code pleading it was erroneously concluded that the new system had done away with the necessity of any knowledge of the old common law procedure, but with a clearer insight into the real nature of the subject it was soon perceived that a thorough understanding of the new system was impossible without at least some acquaintance with its predecessor. As Professor Martin states in his preface, "authors on code procedure in the United States usually advise students commencing its study to first familiarize themselves with the principles of common-law procedure." For this purpose the present work is admirably adapted. The book has been prepared for students, but the practitioner may often find its assistance of value. Some knowledge of the old forms of procedure is essential to an intelligent reading of cases in any subject, and the intending student could make no better preparation for work under the case system than a careful study of this book. In the fourteen chapters of his treatise Professor Martin carries the reader through the entire progress of an action at law. The fundamental principles involved are clearly stated, and some of the more interesting questions in dispute are briefly alluded to, but no attempt is made to go into any lengthy discussion or determination of them. The work, indeed, is more of a compilation than an original treatise, but thoroughly accurate and systematic. The historical part of the subject is particularly well covered. A noteworthy chapter is the one entitled "Ancient Real Actions," containing a concise account of those obsolete methods of procedure. In the main, the author's conclusions as to the substantive law necessarily included in his subject are sufficiently sound, though exception might be taken to some of his definitions, *e. g.* of conversion in trover. Trespass *ab initio* is very inadequately explained, and is not even mentioned in the index. On the other hand, particularly commendable are his discussions of the origin of detinue, and of the nature of debt. In the appendix are a full collection of writs, declarations, etc., and an excellent discussion of General Assumpsit for Part Performance.

N. B. B.

We have also received:

WIT AND HUMOR OF THE BENCH AND BAR. By Marshall Brown. Chicago: T. H. Flood & Co. 1899. pp. xv, 578. This is an entertaining book. The best sayings of a very large number of well-known members of the bench and bar at home and abroad are here collected. Short sketches of many of the more prominent are given, — merely a few lines in most cases, but so skilfully arranged in connection with the anecdotes as to convey a distinct though partial idea of the subject's personality. The book is furnished with a thorough index of subjects and of authors. The typography and general arrangement leave nothing to be desired.